

1888-030 Chancery Causes: W. B. Lockett + Co] vs. D. B. Bales & Co.
Lee Co.

Lockett, Lotspeich, Hayzen, Robinson, Surgener, Kerr,
Surgener Bales & Co]

CA. Debt

T-Property

To the Honorable H. S. K. Morison, Judge of
the Circuit Court of New Co., Va.

Humbly complaining your or-
ators W. B. Lockett, J. C. Lotiswick, W. B.
Lockett Jr., and R. S. Hazen merchants and
partners in trade, trading under the firm
name of W. B. Lockett & Co. would respect-
fully represent unto your Honor, that at
the last August term of your Honor's
successor's court on the law side there-
of, they obtained a judgement against
D. B. Bales and H. M. Robinson survivors
of themselves and A. R. Surgenor decd. who
were late merchants and partners in the
retail goods business, under the firm
name of Surgenor, Bales & Co. for \$
338.15⁴ with legal interest thereon from
the 25 day of Sept. 1885 till paid and
\$8.36⁴ their costs recovered at law. An ab-
stract of which judgement is here filed
marked "A", and prayed to be considered;
that a fi. fa. was issued upon said judg-
ment from the Circuit Court Clerk's office
and put in the hands of S. O. Ewing depu-
ty sheriff for R. S. Flannery high sheriff
of said County and was returned to the
Clerk's office with this return upon
it.

X Subj. is a credit of \$120 paid Nov. 5th 1885
and \$22⁰⁰ paid July 5th 1886

Admiral's estate

a copy of which
fieri facias is here filed and marked
"B"; that the said A.R. Surgenor de-
parted this life about the day of
1888 seized and possessed of large and
valuable estate; that letters of admin-
istration by the County Court was grant-
ed to James H. Orr upon the said Surgen-
or's estate; that in the creditors
^{suit} ~~suit~~ of H.E. Burns Exor. vs J. H. Orr
now pending in this court,
by the report of Comr. Hyatt it
is shown that the estate of A.R.
Surgenor is individually indebted
to D.B. Bales \$ and to Wm Rob-
inson \$

And your orators would further
show your honor that the said D.B.
Bales and Wm Robinson are severally
seized and possessed of valuable tracts
of land copies of the deeds to which
are here filed and marked "D.B." + "W.R."
and prayed to be considered as a part of
their bill of complaint; that they
are advised that their judgment
is a lien upon all the lands to which
the said Bales & Robinson were enti-
tled at or after the date of their
orators said judgment; that the
lien of your orators is only enforceable
in a court of chancery, they having

remedy at law by which they can
make effectual their claim that the
the rents and profits of said land
will not pay said judgement, interest
costs at law and costs in this suit
within five years. Therefore with
these premises your orators hum-
bly pray your Honor to enforce
their claim by proper decree of
sale of said land; that J. H. Orr Ad-
ministrator of the estate of A. R. Surgen-
er be prohibited and enjoined from
paying any money over to the
said D. P. Bales or Am Robinson, that
he may owe them or either of them as
such administrator until it is seen
in the future progress of this your
orators suit that the ^{said} lands of the
said D. P. Bales and Am Robinson is
amply sufficient to pay their said
judgement claim; That D. P. Bales,
Am Robinson, and James H. Orr
Admin of the estate of A. R. Surgen-
er be made parties Defendants to this
bill of Complaint, and be required
severally to answer the same on oath as
fully and particularly as if each of them
had been thereto specially interrogated, and
particularly that the said J. H. Orr Admin-
er answer the several Aunts due the
said Bales and Robinson from his

intestate as shown by Comr. Hyatt's
report in the Cause of ^{Adm'r} H. E. Burns
24th vs J. H. Orrⁿ it also now pending in
this circuit court. And that such
other and further relief be granted to
your orators as is adapted to the nature
of their cause, and agreeable to equity
and good conscience. May ~~the~~ sum-
mons issue &c And your orators
will ever pray &c

Duncan & Pennington
D. J.

M. B. Dickert & Co
vs { Bissin Chan.

D. B. Bales & Co

1887 March Bill Filed
Shaw Executed & D. Chise
" April D. H. Conf. 16 &
Cause set for hearing
1888, Apr. Decree final

6.77 to Jan 1. 1888.
S 1.50
A 15.00
+ 6.91
\$24.18

Rec'd of Surgeons, Bales & Co Eighty dollars
on a judgment in our hands in favor of
H.B. Lockett & Co This Sept. 23rd 1886
Duncan & Pennington

Corrected on Execution

(H.B.)

W.B. Lockhart & Co

N 1 Receipt

Surgeon Bates & Co

To the Hon H. S. H. Morison Judge of the Circuit
Court of Lee County Virginia

The Separate Answer of D. B. Bales one of the surviving
Members of the late firm of Surgeon Bales Robinson
to a bill filed against him and Wm. H. Robinson the other
surviving Member of said firm by W. B. Lockett Esq.

Respondent says it is true that the plaintiffs did
obtain the judgment at law in their bill mentioned
subject to the two credits one of \$120.00 and the other of \$22.00
as in their bill is stated. And since said judgment was
rendered, to wit on the 20th day of Sept 1885 there was
paid on said judgment the further sum of \$80.00 which
is shown by a receipt for that sum hereto attached (marked A B)
and this last sum is credited on an operation which is not
upon said judgment now on file in the cause, but the
sum is not mentioned or referred to, in the Paffs bill.

It is also true that said Surgeon died intestate
in this county in Sept 1885, and that J. W. Orr became his
administrator and it is also true that said Surgeon's estate is
owing the survivors of the late firm of Surgeon Bales
Robinson a considerable sum, and respondent is more
than willing for the Plaintiffs to take so much of that
claim as will satisfy and discharge the balance due them
on said judgment at law.

It is also true that respondent was Valuable real estate
in the county and said judgment be supposed operates as a
lien thereon but it is not true that the assets and profits
of respondent's real estate will not pay said judgment
in five years time, the truth is said real estate will

if sent out pay the balance due the plaintiff in less than
two years time as he avers & believes.

Respondent does not know the condition of his co debt
Robinsons land, but he supposes it is liable along with his
to the plaintiffs demand & the same should be made to bear
a portion of the plaintiffs demand.

Respondent having now answered as fully as deemed
material he prays that the plaintiffs bill be dismissed.

Henry J. Morgan for Bales

I do swear that the statements of the
foraging answer are true as I verily
believe so help me God.

G. B. Bales

Subscribed & sworn to before me

by D. B. Bales March 30th 1887.

H. J. Morgan Cant.

Daniel B. Bales

Ass. } Associates

W. B. Lockett & Co

Filed March 30th 1888,

J. A. Hyatt & Co.

Wm B. Loesutt v 60

Pitts

vs

3 In shancey

DB Balis & Als,

Defts,

This cause came on again this day to be further heard upon the papers heretofore read and the report of C. J. Duncan this day filed in open court and was argued by counsel,

And it appearing ^{from} said report that the debt in the Bill mentioned has been fully paid, and that the costs still remain unpaid, and it being suggested by said Commissioner that an execution for said costs will be equally available as the decree for renting heretofore entered it is adjudged and decreed that the Clerk of this Court tax the costs of this suit for which execution may issue and the cause is stricken from the docket.

W.B. Loebell & Co
no $\frac{1}{3}$ Diene für al

D13 Balis et al

Entered page 124

J.A. Hyatt & Co.

Enter this diene

U.S. M.

April 4th, 1888

To the Honorable H. H. Morison Judge
of the Circuit Court of Lee County

Your Commissioner in the cases
of Briscoe Swenson & Co vs D B
Balls et al and W B Loebutt & Co vs
the same Defts beg to report
that, the defendants have fully paid
the debt and interest in the case
of W B Loebutt & Co against them, but
that the costs in said case remain
unpaid. Said Defts are very good
for said costs, and an execution
will be equally availing with the
decree for renting heretofore entered
in said cases. Your Commissioner
therefore suggests that this case
be stricken from the docket with
leave for execution to issue when
called for.

Respectfully submitted
C. T. Dunsen, Clerk

W.B. Lockett & Co
vs Report

DTB Sales. et al

Filed Apr 4th 1888.

J. A. H. H. H. H.

The Commonwealth of Virginia,

To the Sheriff of Lee County--Greeting:

We Command You, That of the Goods and Chattels of

D. B. Bales

late in your Bailiwick, you cause to be made \$ 338.15, with legal interest thereon from the 22 day of Sept., 1885, till payment, which

lately in our Circuit Court of Lee County, have recovered against them by suit for Debt

Also, \$ 8.36, which to the said

Lockett & Leo in our Court were adjudge for their costs in that behalf expended, whereof the said Robinson & Bales

are convicted, as appears to us of record. And that you

have the same before the Judge of our said Court at the Court House on the first Monday in November

next, to render to the said Lockett & Leo

of the Debt and costs as aforesaid. And have then and there this Writ.

Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this 7th day of Sept.

1886 in the 10 year of the Commonwealth.

J. A. G. Hyatt Clerk.

le 4.61 Paid
8 1.00 Paid
2. 2.50 Paid
C.C. 25-Paid
8 8.36

Copy

Teste J. A. G. Hyatt C.C.

For Nov 5-11 1885-
 + " July 5-1886
 + " Sept 23rd 1886

\$120.00
 \$ 22.00
 80

227) Direct 1885
 Aug 30

Wm B. Lockett & Co

vs 3/4 Hi Ha

Robinson & Bales

Lo. Nov. Rules 1886

No property found

S. H. Ewing

Deputy for R. D. Flannery
S. H. E.

A Copy
 Leste J. G. Hyatt & Co

Fee for copy 40¢

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Creeting:

WE COMMAND YOU to summon D. B. Bales and Wm W. Robinson Survivors of themselves and A. R. Surgenner late merchants and partners trading under the firm name of "Surgenner Bales & Co." and J. M. Kerr Admr. of said A. R. Surgenner deceased

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House on the first Monday in March next, being Rule Day, to answer a Bill in Chancery exhibited in our Court against them, by W. B. Lockett, J. O. Lotspeich and R. S. Hager merchants and partners in trade under the firm name of "W. B. Lockett & Co."

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the Court House, this 24th day of February 1887 in the 11 year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste :

(D. & P.)

Mr B. Lockett & Co.

vs $\frac{3}{3}$ Spa in chey

D. B. Bales et al

Lo March Rules 1887.

Executed & delivered
a true office copy of
the within to D. B. Bales
March 5 1887

J. H. Curry
at

for R. S. Glenney

J. L. G.